

REMARKS

This amendment is a full and timely response to the Final Office Action dated November 23, 2011. Claims 1-16, 19-29, and 32-33 are pending, with claims 1 and 23 being independent.

In the amendment, claims 1 and 22 have been amended. Support for these amendments may be variously found in the specification, including but not necessarily limited to ¶¶ [0232]-[0234], as represented in U.S. Publication Number 2007/0290876. Reconsideration and allowance is requested in view of the following remarks. *No new matter has been added by these amendments.*

Claims 1-5, 19, 23-25, and 32 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bichot, WO 00/76130 (Bichot). This rejection is respectfully traversed.

Independent claim 1, as amended, recites “[a] remote control system in which a remote commander is used to operate one or more devices to be controlled, wherein the remote commander and at least some of the devices to be controlled are provided with a network communication function, and a device to be controlled is operated by means of a command through a network in response to a user input on the remote commander, wherein the remote commander submits a request for device information to the devices to be controlled having the network communication function through the network, and displays a device list concerning a device to be controlled that has responded with device information in response to the request, wherein the remote commander displays a device to be controlled that responded with device information in the past and that does not respond at present in a grayed-out manner on the device list, and wherein, when the device to be controlled displayed in the grayed-out manner on the device list is selected to identify a selected grayed-out device, the remote commander transmits a turn on request to the selected grayed-out device, and if the selected grayed-out device does not respond within a predetermined time period the remote commander deletes the selected grayed-out device.”

Bichot fails to disclose or suggest these claimed features. *Bichot* discloses a method for controlling a home network via accessing a home access server from a device external to the home network.

Specifically, for example, a user may use their work PC, which is at their office, to program a VCR on their home network by connecting through their work PC's web browser to the home access server. Further, the home network may contain any number of "home access devices," and does contain a number of predefined generic devices, such as TUNER, VCR, CAMERA, DISC, etc. When the work PC's browser accesses the home access server and a user selects the VCR on the web browser, the home access server loads the specific HTML script relative to the VCR, runs a status check, and forwards the results a status update to the user via the web browser. (*Bichot* page 1 lines 20-31, page 3 lines 20-25, page 7 lines 10-23, and page 8 lines 10-19).

In contrast to *Bichot*, Applicant's claimed invention pertains to "*wherein the remote commander displays a device to be controlled that responded with device information in the past and that does not respond at present in a grayed-out manner on the device list, and wherein, when the device to be controlled displayed in the grayed-out manner on the device list is selected to identify a selected grayed-out device, the remote commander transmits a turn on request to the selected grayed-out device, and if the selected grayed-out device does not respond within a predetermined time period the remote commander deletes the selected grayed-out device from the device list.*"

In this regard, the "*remote commander displays a device to be controlled that responded with device information in the past and that does not respond at present in a grayed-out manner on the device list,*" rather than containing a number of predefined generic devices and only polling the status of a single device when that device is selected, as is done in *Bichot*. Further, *Bichot* offers no indication of a combined active/inactive list or "*the device list*" as claimed. Furthermore, *Bichot* is devoid of a remote commander that "*when the device to be controlled displayed in the grayed-out manner on the device list is selected to identify a selected grayed-out device, the remote commander transmits a turn on request to the selected grayed-out device, and if the selected grayed-out device does not respond within a predetermined time period the remote commander deletes the selected grayed-out device from the device list.*"

Because *Bichot* fails to disclose, teach, or suggest various features of claim 1, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully

requested. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”). *See also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989). (“The identical invention must be shown in as complete detail as is contained in the ... claim.”).

For reasons similar to those provided for claim 1, independent claim 23 is also neither disclosed by *Bichot*. The dependent claims are also distinct for their incorporation of the features respectively recited in the independent claims as well as for their own, separately recited patentably distinct features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-5, 19, 23-25, and 32 under 35 U.S.C. § 102(b) as being anticipated by *Bichot*.

Claims 6-7, 15, and 21-22 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bichot and Neuman, U.S. Publication Number US 2003/0195969 (Neuman). This rejection is respectfully traversed at least for the following reasons.

Similarly to the discussion above regarding independent claim 1, the claimed features of dependent claims 6-7, 15, and 21-22 are not disclosed or suggested by *Bichot*. Further, the Office Action admits *Bichot*’s deficiencies. (Office Action Pages 10-14). Thus, *Bichot* does not disclose nor in any way suggest Applicant’s claimed features of independent claim 1.

Neuman does not remedy the deficiencies of *Bichot*. Nor does *Neuman* disclose “*wherein the remote commander displays a device to be controlled that responded with device information in the past and that does not respond at present in a grayed-out manner on the device list, and wherein, when the device to be controlled displayed in the grayed-out manner on the device list is selected to identify a selected grayed-out device, the remote commander transmits a turn on request to the selected grayed-out device, and if the selected grayed-out device does not respond within a predetermined time period the remote commander deletes the selected grayed-out device from the device list.*”

Accordingly, since even a combination of *Bichot* and *Neuman* would still fail to yield features of Applicant's claimed invention, a *prima facie* case of obviousness for the dependent claims has not been presented.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 6-7, 15, and 21-22 under 35 U.S.C. § 103(a) as being unpatentable over *Bichot* in view of *Neuman*.

Claims 8-12, 14,16, and 26-29 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bichot and Berezowski, WO 00/04709 A1 (Berezowski). This rejection is respectfully traversed at least for the following reasons.

Similarly to the discussion above regarding independent claims 1 and 23, the features of dependent claims 8-12, 14,16, and 26-29 are not disclosed or suggested by *Bichot*. Further, the Office Action admits *Bichot*'s deficiencies. (Office Action Pages 15-20). Thus, *Bichot* does not disclose nor in any way suggest Applicant's claimed features of independent claims 1 and 23

Berezowski does not remedy the deficiencies of *Bichot*.

Berezowski discloses an interactive television program guide on interactive television program guide equipment where user access the interactive television program guide to remotely select programming, schedule reminders, and navigate the interactive program guide. In contrast to *Berezowski*, Applicant's claimed invention pertains to "*wherein the remote commander ... displays a device list ... wherein the remote commander displays a device to be controlled that responded with device information in the past and that does not respond at present in a grayed-out manner on the device list, and wherein, when the device to be controlled displayed in the grayed-out manner on the device list is selected to identify a selected grayed-out device, the remote commander transmits a turn on request to the selected grayed-out device, and if the selected grayed-out device does not respond within a predetermined time period the remote commander deletes the selected grayed-out device from the device list.*" *Berezowski* is simply completely devoid of these features.

Accordingly, since even a combination of *Bichot* and *Berezowski* would still fail to yield features of Applicant's claimed invention, a *prima facie* case of obviousness for the dependent claims has not been presented.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 8-12, 14, 16, and 26-29 under 35 U.S.C. § 103(a) as being unpatentable over *Bichot* in view of *Berezowski*.

Claim 13 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Bichot* and *Neuman*, in view of *Berezowski*. This rejection is respectfully traversed at least for the following reasons.

Similarly to the discussion above regarding independent claim 1, the claimed features of dependent claims 13, which incorporate the features of claim 1, are not disclosed or suggested by *Bichot* and *Neuman*. Further, the Office Action admits *Bichot* and *Neuman*'s deficiencies. (Office Action Page 22). Thus, *Bichot* and *Neuman* does not disclose nor in any way suggest Applicant's claimed features of dependent claim 13.

Berezowski does not remedy the deficiencies of *Bichot* and *Neuman*. Nor does *Berezowski* disclose "upon receiving a recording reservation request from the remote commander through the network, the remote control server converts the recording reservation request into infrared reservation data on the basis of EPG data, and transmits the recording reservation request via infrared light to an IR recording device that can be remotely controlled only by means of infrared communication; and the IR recording device sets a recording reservation according to the infrared reservation data from the remote control server."

Accordingly, since even a combination of *Bichot*, *Neuman*, and *Berezowski* would still fail to yield features of Applicant's claim 13, a *prima facie* case of obviousness has not been presented.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 13 U.S.C. § 103(a) as being unpatentable over *Bichot*, *Neuman*, and *Berezowski*.

Claims 20 and 33 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bichot, in view of Davis, U.S. Patent Number 5,687,334 (Davis). This rejection is respectfully traversed at least for the following reasons.

Similarly to the discussion above regarding independent claims 1 and 23, the claimed features of dependent claims 20 and 33, which incorporate the features of claims 1 and 23, are not disclosed or suggested by *Bichot*. Further, the Office Action admits *Bichot*'s deficiencies. (Office Action Page 23). Thus, *Bichot* does not disclose nor in any way suggest Applicant's claimed features of dependent claims 20 and 33.

Davis does not remedy the deficiencies of *Bichot*. Nor does *Davis* disclose "*wherein, when the device to be controlled displayed in a grayed-out manner on the device list is selected, the remote commander transmits an operation request after submitting a request for turning on the device to be controlled.*"

Davis discloses power toggling the built-in modules of an audio video device, and the internal component management of *Davis* is in contrast to Applicant's claimed features of "*wherein the remote commander ... displays a device list ... wherein the remote commander displays a device to be controlled that responded with device information in the past and that does not respond at present in a grayed-out manner on the device list, and wherein, when the device to be controlled displayed in the grayed-out manner on the device list is selected to identify a selected grayed-out device, the remote commander transmits a turn on request to the selected grayed-out device, and if the selected grayed-out device does not respond within a predetermined time period the remote commander deletes the selected grayed-out device from the device list.*"

Accordingly, since even a combination of *Bichot* and *Davis* would still fail to yield features of Applicant's claims, a *prima facie* case of obviousness has not been presented.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 20 & 33 under 35 U.S.C. § 103(a) as being unpatentable over *Bichot* and *Davis*.

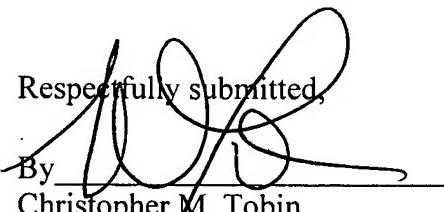
In view of the above amendment, Applicant believes the pending application is in condition for allowance. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 C.F.R. 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3470 from which the undersigned is authorized to draw.

Dated: February 8, 2012

Respectfully submitted,

By _____
Christopher M. Tobin
Registration No.: 40,290
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 23353
Attorney for Applicant